

REMARKS

In response to the above-identified Office Action ("Action"), Applicant submits the following remarks and seek reconsideration thereof. In the instant response, no claims are amended, no claims are added and no claims are cancelled. Accordingly, Claims 1-14 are pending.

The instant application claims a composite polymer electrolyte for a lithium secondary battery, which comprises a first polymer matrix made of a first porous polymer with a first pore size, a second polymer matrix coated on the first polymer matrix and made of a single ion conductor, an inorganic material, and a second porous polymer with a second pore size smaller than the first pore size, and an electrolyte solution impregnated into the first polymer matrix and the second polymer matrix and method of manufacturing the same.

I. Claim Rejections – 35 U.S.C. §102(e) and §103(a)

In the outstanding Office Action, Claims 1-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Munshi, ("Munshi"), U. S. Patent No. 6,645,675. Applicant respectfully traverses the rejection for at least the following reasons.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, to establish a *prima facie* case of obviousness, the Examiner must show that the cited reference teaches or suggests each of the elements of a claim. Hindsight reconstruction may not be used to modify the reference to meet the claimed invention. MPEP §2145.

In regard to independent claims 1 and 13, Applicant respectfully submits Munshi fails to teach or suggest at least the elements of a first polymer matrix made of a first porous polymer with a first pore size and a second polymer matrix coated on the first polymer matrix and made of a single ion conductor, an inorganic material, and a second porous polymer with a second pore size smaller than the first pore size as required in claims 1 and 13. The Examiner alleges Munshi teaches a first porous polymer is

polyvinyl fluoride (col. 6, lines 35-45) and a second polymer is a vinylidene fluoride based polymer (col. 7, lines 1-5) and therefore teaches the claimed first and second polymer matrix having a first pore size and a second pore size smaller than the first pore size. See Action, page 3. In the alternative, the Examiner alleges although Munshi fails to teach the second pore size smaller than the first pore size of the first polymer, “if the first polymer is a different type of polymer from the second polymer, they would have different sizes; and from the list of polymers in the prior art of record, the second polymer would have a smaller pore size than the first polymer” therefore these features are obvious. See Action, page 3. Applicant respectfully disagrees with the Examiner’s characterization of Munshi.

Applicant has reviewed col. 7, lines 1-5 of Munshi and fails to discern where Munshi teaches a vinylidene fluoride based polymer, which the Examiner alleges is a different type of polymer from the first polymer such that it would have a smaller pore size. Instead, similar to the first porous polymer (polyvinylidene fluoride) cited by the Examiner, this portion of Munshi teaches a polyvinylidene fluoride. Although, this portion of Munshi teaches additional polymers, it does not teach or suggest anything about the pore sizes of these polymers in comparison to those listed in group one. Accordingly, not only does the reference not expressly teach a first polymer matrix of a first porous material and a second polymer matrix having a second porous material with a second pores size smaller than the first pore size, in as much as the porous materials may be the same, this feature is not inherently present within the reference.

Moreover, Munshi teaches the base polymer material which may include the alleged first and second polymer cited by the Examiner, is formed by first blending the polymer groups together along with a metal salt intermediate and then casting the mixture onto an inert substance to form a solid film. See Munshi, col. 15, lines 29-35; col. 15, lines 45-50. Accordingly, Munshi does not teach or suggest forming separate polymer matrices much less a second polymer matrix coated on a first polymer matrix as required by claims 1 and 13. For at least the foregoing reasons, Munshi fails to teach or suggest all the elements of claims 1 and 13. Thus, neither anticipation nor a *prima facie* case of obviousness may be established. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 13

under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Munshi.

In regard to claims 2-12 and 14, claims 2-12 depend from claim 1 and claim 14 depends from claim 13 and incorporate the limitations thereof. Thus, for at least the reasons that Munshi fails to anticipate, or in the alternative render claims 1 and 13 obvious, claims 2-12 and 14 are also not anticipated or obvious in view of Munshi. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the Examiner's rejection of claims 2-12 and 14 under 35 U.S.C. §102(e) as being anticipated by, or in the alternative, under 35 U.S.C. §103(a) as obvious over Munshi.

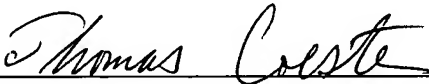
CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

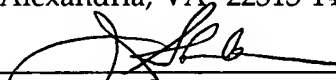
Dated: January 3, 2006


Thomas M. Coester, Reg. No. 39,637

12400 Wilshire Blvd.
Seventh Floor
Los Angeles, California 90025
(310) 207-3800

CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA, 22313-1450, on January 3, 2006.

 1/3/06
Jean Svoboda